

FIFTY-SECOND DAY.

(Continued.)

Senate Chamber,
Austin, Texas,
April 2, 1931.

The Senate met at 10 o'clock a. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

Bills Signed.

The Chair Lieutenant Governor Edgar E. Witt, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills and resolution:

H. C. R. No. 47. H. B. No. 750.
S. B. No. 577. S. B. No. 367.

Bills Introduced.

By an affirmative vote of four-fifths of the membership of the Senate, the constitutional rule relating to the introduction of general bills during the last 90 days of the session was suspended and consent was granted to introduce the following bills:

By Senator Woodul:

S. B. No. 578, A bill to be entitled "An Act to amend Article 591 of Chapter 2 of Title 8 of the Code of Criminal Procedure of Texas, Revision of 1925, as amended by Chapter 41 of the Acts of the Regular Session of the Forty-first Legislature of the State of Texas, and declaring an emergency."

Read and referred to Committee on Criminal Jurisprudence.

By Senator Thomason:

S. B. No. 579, A bill to be entitled "An Act providing for the appointment of an inspector and expert rebuilder of pianos and other musical instruments: prescribing the qualifications and duties of said inspector and expert rebuilder; providing for compensation, traveling expenses, and materials, providing for the removal of said inspector and expert rebuilder; and declaring an emergency."

Read and referred to Committee on Finance.

Simple Resolution No. 96.

Senator Poage sent up the following resolution:

Whereas, Dr. N. D. Buie, Vice-President of the East Texas Chamber of Commerce and member of the Board of Directors of the Marlin Chamber of Commerce, and Honorable G. W. Glass, member of the Board of Directors of the Marlin Chamber of Commerce, two of Central Texas' most distinguished citizens, are now within the bar of the Senate; and whereas the annual convention of the East Texas Chamber of Commerce is to be held in the city of Marlin at an early date, and this convention is of special interest to the Legislature of Texas

Now, Therefore, Be It Resolved that they be accorded the privilege of the floor and be invited to address the Senate at this time.

POAGE.

Read and adopted.

Dr. Buie and Mr. Glass Speak.

The Chair appointed Senators Poage, Moore, Oneal, and Beck to escort Dr. Buie and Mr. Glass to the platform.

The Chair introduced Senator Poage who introduced the visitors, Dr. Buie and Mr. Glass briefly addressed the Senate, extending the Senate an invitation to attend the E. T. C. of C. Convention at Marlin April 19-21.

Senate Bill No. 184.

The question recurred on S. B. No. 184.

The bill was passed to engrossment.

On motion of Senator Hlobrook the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 784 was put on its third reading and final passage, by the following vote:

Yeas—31.

Beck.	Hopkins.
Berkeley.	Hornsby.
Cousins.	Loy.
Cunningham.	Martin.
DeBerry.	Moore.
Gainer.	Neal.
Greer.	Oneal.
Hardin.	Parr.
Holbrook.	Parrish.

Patton.	Stevenson.
Poage.	Thomason.
Pollard.	Williamson.
Purl.	Woodruff.
Rawlings.	Woodul.
Russek.	Woodward.
Small.	

Read third time and finally passed
by the following vote:

Yeas—31.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Senate Bill No. 114.

The Chair laid before the Senate
on its third reading the following
bill:

By Senator Hornsby:

S. B. No. 114, A bill to be entitled
"An Act requiring all Public Cotton
Classers to have a Federal Cotton
Classer's License, to file duplicate
with the Commissioner of Agriculture
of Texas, to make bond, providing
for a registration fee, creating a
special fund, authorizing the expend-
iture of such fund by the Commis-
sioner of Agriculture as now pro-
vided for by law, granting certain
powers to the Commissioner of Agri-
culture as administrator of this Act,
providing penalties, defining certain
terms, and declaring an emergency."

Read third time and finally passed
by the following vote:

Yeas—25.

Beck.	Martin.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parr.
Gainer.	Parrish.
Greer.	Patton.
Hardin.	Poage.
Holbrook.	Pollard.
Hornsby.	Russek.
Loy.	Small.

Stevenson.	Woodruff.
Thomason.	Woodul.
Williamson.	

Nays—3.

DeBerry.	Oneal.
Hopkins.	

Absent.

Purl.	Woodward.
Rawlings.	

Senator Moore moved to recon-
sider the vote by which the bill was
finally passed.

Senator Hornsby moved to table
the motion to reconsider.

The motion prevailed.

Reason for Vote.

I voted no on the passage of Sen-
ate Bill No. 114, for the reason that
I desired to hear further discussions
on the bill before it passed. I had
overlooked the fact that Section 8
of the original printed bill had been
eliminated therefrom.

ONEAL.

S. J. R. No. 13.

The Chair laid before the Senate
on its third reading the following
resolution:

By Senator DeBerry, et. al:

S. J. R. No. 13, Proposing to
amend the Constitution of the State
of Texas so as to provide that no
State-wide ad valorem tax on prop-
erty shall be levied or assessed for
any purpose after January 1, 1933;
but thereafter such ad valorem taxes
on property may be levied only for
local purposes by counties, cities or
towns or school districts or road dis-
tricts or other sub-divisions of the
State, on such property at its fair
cash market value.

Read third time.

Recess.

On motion of Senator Rawlings,
the Senate, at 12:02, o'clock p. m.,
recessed until 2 o'clock p. m.

After Recess.

The Senate met at 2 o'clock p. m.,
pursuant to recess, and was called
to order by Lieutenant Governor E.
Witt.

S. J. R. No. 13.

The question recurred on the final passage of S. J. R. No. 13.

Special Orders Set.

On motion of Senator Beck, S. B. No. 246 (Eleemosynary Appropriations Bill) was set as special order for Tuesday at 2 p. m.

On motion of Senator Greer, S. B. No. 263 (Rural Aid Bill) was set as special order for Monday at 2 p. m.

On motion of Senator Hardin, S. B. No. 375 (creating Child Welfare Division of Board of Control) was set as special order for Tuesday morning immediately following the morning call.

Messages from the House.

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives,
Austin, Texas April 2, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the Free Conference Committee Report on Senate Bill No. 367 by a vote of 104 yeas and 26 nays.

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, April 2, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that under the provisions of H. C. R. No. 26, the following Committee has been appointed on the part of the House:

Mrs. Moore, Metcalfe, and Giles.

Under provisions of H. C. R. No. 33, the following Committee on the part of the House has been appointed:

Mrs. Rountree, and Finn.

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, April 2, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House

to inform the Senate that the House has passed the following resolution:

H. C. R. 48. Recalling H. B. No. 242 from the Governor's Office for correction.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, April 2, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

S. B. No. 577, A bill to be entitled "An Act appropriating the sum of five hundred (\$500.00) Dollars to be used by the leasing board of eleemosynary and State Memorial Park lands to be used for advertising for bids of mineral leases on lands owned and held by the State as State eleemosynary and State Memorial Park lands for oil and gas leases, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Free Conference Report.

Senator Greer sent up the following Free Conference Committee report:

Committee Room,
Austin, Texas, March 31, 1931.
Hon. Edgar E. Witt, President of the Senate,
Hon. Fred H. Minor, Speaker of the House of Representatives.

Sirs: We, your Conference Committee on Senate Bill No. 367 appointed by your respective bodies to adjust the differences between the House and the Senate on same, have had the same under consideration and beg leave to report that we have adjusted and agreed upon the differences between the two Houses and recommend the following:

(1) That Senate Bill No. 367 as amended by the House of Representatives be and is adopted by the Conference Committee as its report and recommendation; that is to say that the appropriation at Twenty-one Thousand Seven Hundred Twenty-seven Dollars (\$21,727.00) as adopted by the Senate is changed to Fourteen Thousand Seven Hundred Twenty-seven Dollars (\$14,727.00) as adopted by the House, and the bills as rewritten embodying the

above is submitted as our report with the recommendation that it be adopted as follows:

By Greer. S. B. No. 367.

**A BILL
To Be Entitled**

An Act providing relief for the Frost Independent School District of Navarro County, Texas, in order to aid said School District in rebuilding its properties and equipping its schools destroyed by the cyclone which struck the Community of Frost on May 6, 1930; making an appropriation to said District for said purpose and for the maintenance of its schools; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That by reason of the destruction by cyclone of Five Hundred Thousand (\$500,000.00) Dollars of property in the community of Frost, Navarro County, Texas, on May 6, 1930, and the resultant decrease in property value, the inability of the taxpayers to pay their taxes, and the destruction of school property and equipment by reason of said cyclone; all of which was great public calamity, there is hereby appropriated to the said Frost Independent School District, Navarro County, Texas, the total sum of Fourteen Thousand Seven Hundred and Twenty-seven (\$14,727.00) Dollars to be used as follows:

For the purpose of equipping, constructing, repairing and rehabilitating the buildings of said District the sum of Fourteen Thousand Seven Hundred and Twenty Seven (\$14,727.00) Dollars.

Sec. 2. Said money shall not be paid except on warrants of the Comptroller on sworn accounts as needed and as construction progresses and the equipment is bought.

Sec. 3. The fact Thousands of Dollars worth of property was destroyed by said cyclone, causing strife and consternation among the residents of said School District, and the inability of the people to restore said property and equip it to its former state by reason of the Constitutional limitation on the rate of taxes that may be imposed, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three separate days be suspended, and such Rule is hereby suspended,

and this Act shall take effect from and after its passage, and it is so enacted.

Respectfully submitted,
GREER,
PATTON,
THOMASON,
MARTIN,
WOODRUFF,

On part of the Senate.

MURPHY,
FORD,
JUSTISS,
RAMSEY,

On part of the House.

Read and adopted by the following vote:

Yeas—28.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Nays—3.

Cunningham. Poage.
DeBerry.

H. C. R. No. 48.

The Chair laid before the Senate, H. C. R. No. 48, Recalling H. B. 242 from the Governor's office.
Read and adopted.

Committee Appointed.

The Chair announced the appointment of the following Committee in accordance with S. C. R. No. 23:

Senators Pollard, Parrish, Woodward, and Woodul.

Senate Bill No. 283.

The Chair laid before the Senate by unanimous consent the following bill:

By Senators Moore, Pollard and Woodul:

S. B. No. 283, A bill to be entitled "An Act to authorize the Board of Regents of the University of Texas to invest the University Permanent Fund, to borrow money for named

purposes in specified amounts and to issue bonds therefor, to sell designated securities belonging to the Permanent University Fund, and to re-invest same; and declaring an emergency."

The committee report carrying amendments was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Gainer the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 283 was put on its third reading and final passage, by the following vote:

Yeas—31.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
ONeal.	

Read third time and finally passed by the following vote:

Yeas—30.

Beck.	ONeal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Pollard.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodul.
Neal.	Woodward.

Nays—1.

Woodruff.

House Bill No. 368.

The Chair laid before the Senate by unanimous consent the following bill:

By Mr. Holder, Mr. Morse, and Mr. Savage et al.:

H. B. No. 368, A bill to be entitled

"An Act to amend Article 2592 of the Revised Civil Statutes of Texas of 1925."

The committee report carrying an amendment was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Gainer, the constitutional rule requiring bills to be read on three several days was suspended and H. H. No. 368 was put on its third reading and final passage, by the following vote:

Yeas—31.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
ONeal.	

Read third time and finally passed by the following vote:

Yeas—31.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
ONeal.	

Senate Bill No. 128.

The Chair laid before the Senate by unanimous consent the following bill:

By Senator Poage:

S. B. No. 128, A bill to be entitled "An Act validating the extension of the corporate limits of cities of more than 50,000 inhabitants according to the last United States Census where

such extension is made under the provision of any home rule charter or ordinance since the enactment of Chapter 110, General Laws of the 41st Legislature of the State of Texas of 1929, and validating all proceedings had, done or performed by the governing authorities of said cities or inhabitants thereof in regards to the question of the extension of city limits, and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Poage the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 128 was put on its third reading and final passage, by the following vote:

Yeas—31.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Read third time and finally passed by the following vote:

Yeas—31.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Senate Bill No. 366.

The Chair laid before the Senate by unanimous consent the following bill:

By Senator Hardin:

S. B. No. 366, A bill to be entitled "An Act amending Section 29, Article 199, Title 8 of the Revised Civil Statutes of 1925, providing for the changing and fixing the times of holding the courts in the Twenty-ninth Judicial District of Texas, and validating and continuing process, and writs, bonds, recognizances, and jurors heretofore selected, etc., returnable to the terms of court, as they now exist, and continuing in session the district court which may now be in session until its term expires by law, and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Hardin the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 366 was put on its third reading and final passage, by the following vote:

Yeas—31.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Read third time and finally passed by the following vote:

Yeas—31.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Senate Bill No. 268.

The Chair laid before the Senate by unanimous consent the following bill:

By Senator Purl:

S. B. No. 268, A bill to be entitled "An Act defining certain offenses; providing for penalties; defining terms used in this Act; providing for the repeal of conflicting statutes; providing for the separability of the provisions of this Act; enacting all necessary provisions incidental to the general purpose of the Act, and declaring an emergency."

The committee substitute was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Purl the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 268 was put on its third reading and final passage, by the following vote:

Yeas—31.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Read third time and finally passed by the following vote:

Yeas—31.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Senate Bill No. 188.

The Chair laid before the Senate by unanimous consent the following bill:

By Senators Pollard and Greer:

S. B. No. 188, A bill to be entitled "An Act to create the 122nd Judicial District of Texas and to designate the counties constituting said district, and fixing the time for holding court therein; etc., and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Pollard the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 188 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Hopkins.	Small.
Hornsby.	Stevenson.
Loy.	Thomason.
Martin.	Williamson.
Moore.	Woodul.
Neal.	Woodward.
Oneal.	

Nays—4.

Cunningham.	Poage.
Holbrook.	Woodruff.

Read third time and finally passed by the following vote:

Yeas—19.

Berkeley.	Pollard.
Cousins.	Purl.
Greer.	Rawlings.
Hardin.	Small.
Hopkins.	Stevenson.
Martin.	Thomason.
Moore.	Williamson.
Neal.	Woodul.
Oneal.	Woodward.
Parrish.	

Nays—6.

Cunningham.	Hornsby.
DeBerry.	Poage.
Holbrook.	Woodruff.

Absent.

Beck.	Parr.
Gainer.	Patton.
Loy.	Russek.

Senate Bill No. 464.

The Chair laid before the Senate by unanimous consent the following bill:

By Senator Pollard:

S. B. No. 464, A bill to be entitled "An Act to amend Section 1, Chapter 250, Senate Bill No. 520, Acts of the Regular Session of the Forty-first Legislature; and declaring an emergency."

The bill was read second time and passed to engrossment by the following vote:

Yeas—15.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Gainer.	Patton.
Hardin.	Poage.
Hornsby.	Pollard.
Martin.	Woodul.
Neal.	

Nays—7.

DeBerry.	Rawlings.
Holbrook.	Woodruff.
Moore.	Woodward.
Purl.	

Present—Not Voting.

Williamson.

Absent.

Cunningham.	Russek.
Greer.	Small.
Hopkins.	Stevenson.
Loy.	Thomason.

Senate Bill No. 528.

The Chair laid before the Senate by unanimous consent the following bill:

By Senator Purl:

S. B. No. 528, A bill to be entitled "An Act amending Article 827 of the Penal Code of the State of Texas, revised Criminal Statutes of 1925, so as to require street railways and motor buses in cities of not less than 40,000 inhabitants to carry all school children for one-half the fare regularly collected for the transportation of adults, and declaring an emergency."

Read second time.

Senator Parrish sent up the following amendment:

Amend by striking out the figures 40,000 and inserting in lieu thereof the figures 20,000 wherever they appear.

PARRISH.

Read and adopted.

The bill was passed to engrossment.

On motion of Senator Purl the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 528 was put on its third reading and final passage, by the following vote:

Yeas—22.

Berkeley.	Parr.
Cousins.	Parrish.
DeBerry.	Patton.
Gainer.	Poage.
Holbrook.	Pollard.
Hopkins.	Purl.
Hornsby.	Rawlings.
Martin.	Williamson.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent.

Beck.	Russek.
Cunningham.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Loy.	

Read third time and finally passed.

Senate Bill No. 153.

The Chair laid before the Senate by unanimous consent the following bill:

By Senators Woodul and Williamson:

S. B. No. 153, A bill to be entitled "An Act amending Article 287 of the Penal Code of the State of Texas, of 1925 as amended by Chapter 139 of the General Laws of the Regular Session of the Thirty-ninth Legislature so as to repeal that portion of the State Law prohibiting the operation of moving picture shows and theaters on Sunday in this State in any incorporated city or town after one p. m., empowering the City Council or City Commissioners of such cities or towns by proper ordinance to prohibit or regulate the keeping open or showing of such moving picture shows or theaters on Sun-

day; providing that should any part or portion of this Act be declared unconstitutional by a court of the last resort in this State, it shall not affect the remainder of the Act, and declaring an emergency."

Read second time.

On motion of Senator Woodul, the bill was laid on the table subject to call.

Adjournment.

On motion of Senator DeBerry, the Senate, at 5:35 o'clock p. m., adjourned until tomorrow morning at 10 o'clock.

APPENDIX.

Petitions and Memorials.

(Telegram.)

Denver Colo., April 2, 1931.

Bob Baker, Secretary of Senate Austin:

The invitation of the Senate of the State of Texas is warmly appreciated please convey due acknowledgment of this honor and my definite acceptance and agreeable date or dates will be submitted for your approval meanwhile please favor me by indicating any day or days about May First especially preferred.

EDWARD T. COSTIGAN.

Committee on Enrolled Bills.

Committee Room.

Austin, Texas, April 2, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 577, carefully examined and compared and find the same correctly enrolled.

GREER, Chairman.

Committee Room,

Austin, Texas, April 2, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills have had Senate Bill No. 367, carefully examined and compared and find the same correctly enrolled.

GREER, Chairman.

Committee on Engrossed Bills.

Committee Room.

Austin, Texas, April 2, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. J. R. No. 2 carefully examined and compared and find the same correctly engrossed.

HARDIN, Chairman.

Committee Room,

Austin, Texas, April 1, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had S. B. No. 577 carefully compared and examined and find the same correctly engrossed.

HARDIN, Chairman.

Committee Reports.

Committee Room,

Austin, Texas, April 2, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee appointed under Senate Simple Resolution No. 17, to arrange for having photographs made of the Governor, Lieutenant Governor and Senators of the 42nd Legislature, and hung in the Senate Chamber, beg to report as follows:

We have received sealed bids and samples of photographs from the various photographers, and have selected the Christianson-Leberman Studio to make the block for the Senate of the 42nd Legislature.

Neal, Chairman, Hardin, Loy, Woodward, and Poage.

Committee Room,

Austin, Texas, April 1, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 193, A bill to be entitled "An Act defining public utilities and providing for their regulation, creating the Public Utilities Commission of this State, etc., etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendations that it do pass with Committee amendments.

MOORE, Chairman.

Committee Amendment No. 1.

Amend Senate Bill No. 193 by striking out in lines 3, 4 and 5 on page 3 the words: "or contracts affecting any such compensation, charge, fare, toll, rental or classification," and substituting in lieu thereof the words: "pertaining thereto."

And also by substituting the word "or" for the "comma" after the word "regulation" in line 3.

Committee Amendment No. 2.

Amend Senate Bill No. 193 by striking out in lines 25 and 26 on page 9 the words "persons or corporations including a."

And also by striking out the comma after "municipality" in line 26 on page 9.

And also by striking out the words "person, corporation or" in line 8 on page 10.

Committee Amendment No. 3.

Amend Senate Bill No. 193 by inserting after Section 1 on page 10 an additional section to be known as Section 1 (a) and to be as follows:

"Section 1 (a) No public utility, except a gas utility producing, transporting, marketing, distributing and/or furnishing natural and/or artificial gas, as herein defined, shall begin construction or operation of any plant in or into any territory not already served by it without first having obtained the permission and approval of the Commission and its certificate that such construction or operation is in the public interest.

Before any such certificate shall be issued, the Commission shall hold a hearing upon such notice as it may prescribe to determine whether or not the public convenience and necessity will be served by the proposed construction and operation.

The Commission may, by its order, impose such condition or conditions as it may deem reasonable and necessary, and its order upon such hearing shall be subject to review, as hereinafter prescribed."

Committee Amendment No. 4.

Amend Senate Bill No. 193 by inserting after the Section 1 on page 10 an additional section to be known as Section 1 (b) and to be as follows:

"Section 1 (b). No public utility, as herein defined, other than a municipality, shall hereafter sell, lease, assign, transfer, mortgage or otherwise dispose of or encumber the whole or any part of its operating plant, necessary or useful in the performance of its duties to the public, or any franchise or permit, or any part thereof, with any other person, corporation or utility without first having secured from the Commission an order authorizing it to do so. Every such sale, lease, assignment, transfer, mortgage, encumbrance, merger or consolidation made other than in accordance with the order of the Commission authorizing the same shall be void."

Committee Amendment No. 5.

Amend Senate Bill No. 193 by inserting after Section 1 on page 10 an additional Section 1 (c) and to be as follows:

"Section 1 (c). When one or more public utilities make application to the Commission for approval of any such proposed purchase, sale, lease, assignment, transfer, mortgage, encumbrance, merger or consolidation, the Commission shall hold a hearing upon such notice as it may prescribe and shall determine whether or not such purchase, sale, lease, assignment, transfer, mortgage, encumbrance, merger or consolidation is contrary to the public interest or violative of the public obligations of such utility or utilities, and if it shall find that the proposal is not so contrary to the public interest or in violation of the duties of the utility to the public, it shall make a finding to that effect and shall grant the permission sought and the purchase, sale, lease, assignment, transfer, mortgage, encumbrance, merger or consolidation shall thereupon be lawful and valid."

Committee Amendment No. 6.

Amend Senate Bill No. 193 by adding at the end of Section 2 on page 10 the following sentence: "This Section shall have no application to a public utility lawfully entitled to carry on its business in this State which is not by law required to have a franchise or permit from cities or towns of the State for its operation therein."

Committee Amendment No. 7.

Amend Senate Bill No. 193 by inserting after the word "Commission" in line 28 on page 18 the following: "and other interested parties."

And also by substituting for the word "defendant" in the same line and on the same page the word "defendants."

Committee Amendment No. 8.

Amend Senate Bill No. 193 by adding to Section 2 on page 23, the following:

"Each Commissioner, at the time of his appointment and qualification, shall be a resident of the State of Texas and shall have resided in said State for a period of at least five years next preceding his appointment and qualification, and he shall also be a qualified voter therein, and not less than twenty-five years of age."

Committee Amendment No. 9.

Amend Senate Bill No. 193 by striking out of Section 4 on page 27 all that part of Section 4 after the words "are hereby repealed" in line 23.

Committee Room,

Austin, Texas, April 1, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 258, A bill to be entitled "An Act amending Article 7150, Section 1, of the Revised Civil Statutes of 1925, of the State of Texas, by adding thereto a provision exempting a dwelling place for the ministry of any church or religious society from all taxes, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with Committee amendment.

MOORE, Chairman.

Committee Amendment.

Amend House Bill No. 258 by striking out all of the last two lines in Section 1 except the word "learning."

Committee Room,

Austin, Texas, April 1, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 610, A bill to be entitled "An Act regulating the taking of fish in Dimmit, Zavala, Medina, Uvalde, DeWitt, Brown, Hamilton, Coryell, Gonzales, Lamar, Bell, Collin, Grayson, Gillispie, Kendall, Blanco, Llano, Mason, McCulloch, San Saba, Cook, Denton, Menard, Kimble, Jefferson, Orange, Mitchell, Fisher, Nolan, Mills, Comanche, Chambers, Travis, Hardin, Lampasas, Fannin, Burnet, Williamson and Parker Counties; etc., etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with recommendation that it do pass and be not printed.

MOORE, Chairman.

Committee Room,

Austin, Texas, April 1, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 834, A bill to be entitled "An Act amending Article 3937, Revised Civil Statutes of Texas, 1925, as amended by Chapter 20, Section 7, Acts of the 4th Called Session of the 41st Legislature, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

MOORE, Chairman.

Committee Room,

Austin, Texas, April 1, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 851, A bill to be entitled "An Act to prohibit the hunting, shooting or killing of wild duck, wild geese, wild brant or any other wild water fowl within Harrison and Marion Counties from 12:00 o'clock noon of each day until thirty minutes before sunrise of the following day, etc., and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Committee Room,
Austin, Texas, April 1, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 866, A bill to be entitled "An Act making it unlawful for any person to take or catch any kind of fish in any of the waters in Hays County during the months of February, March and April of each year, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

MOORE, Chairman.

Committee Room,
Austin, Texas, April 1, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 846, A bill to be entitled "An Act permitting the taking or catching of catfish, drum, buffalo, suckers, carp, shad, or gar in the fresh waters of Wood County during any month of the year except March and April with any seine or net with a mesh of not less than two inches square: etc., and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Committee Room,
Austin, Texas, April 1, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 686, A bill to be entitled "An Act to amend Article 3943. Revised Civil Statute of 1925, providing for commissions that shall be paid to the County Treasurer, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

MOORE, Chairman.

Committee Room,
Austin, Texas, April 1, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 573, A bill to be entitled "An Act giving to the Lee Moore Contracting Company, its successors or assigns, consent of the Legislature of the State of Texas and the State Highway Commission, suit to be brought in either El Paso or Travis Counties, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

MOORE, Chairman.

Committee Room,
Austin, Texas, April 1, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 15. A bill to be entitled "An Act to amend Article 1302 of the Revised Civil Statutes of the State of Texas of 1925 so as to provide that private corporations may be formed for any lawful purpose or purposes except as specified in this Act, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

MOORE, Chairman.

Committee Room,
Austin, Texas, April 2, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 776, A bill to be entitled "An Act to fix the bag limit on quail and doves in Wood County, fixing the open season for killing quail and doves in said county; fixing the bag limit and open season for killing squirrels in said county; prohibiting hunting, taking or trapping in any way any fur-bearing animals in Wood County by transient or other persons who are not resident citizens of said county; prescribing penalties for the violation of any of the provisions of this Act; repealing Chapter 190 of General and Special Laws of the Regular Session of the 41st Legislature; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WOODWARD, Chairman.

Committee Room,
Austin, Texas, April 1, 1931.
Hon. Edgar E. Witt, President of the
Senate.

Sir: We, your Committee on Stock
and Stock Raising, to whom was re-
ferred

H. B. No. 294, A bill to be entitled
"An Act amendnig Article 6954,
Chapter 6, Title 121 of the Revised
Civil Statutes of Texas, 1925, as
amended in Chapter 245 of the Acts
of the Regular Session of the 40th
Legislature of Texas, as amended in
Chapter 5, of the Acts of the Regular
Session of the 41st Legislature of
Texas, and as further amended in
Chapter 71 of the Acts of the 1st
Called Session of the 41st Legisla-
ture of Texas; etc., and declaring an
emergency."

Have had the same under con-
sideration, and I am instructed to
report it back to the Senate with the
recommendation that it do pass, and
be not printed.

PARR, Chairman.

Committee Room,
Austin, Texas, April 2, 1931.
Hon. Edgar E. Witt, President of the
Senate.

Sir: We, your Committee on Crimi-
nal Jurisprudence, to whom was re-
ferred

S. B. No. 578, A bill to be entitled
"An Act to amend Article 591 of
Chapter 2 of Title 8 of the Code of
Criminal Procedure of Texas, Revi-
sion of 1925 as amended by Chapter
41 of the Acts of the regluar session
of the 41st Legislature of the
State of Texas; and declaring an
emergency."

Have had the same under con-
sideration, and I am instructed to
report it back to the Senate with the
recommendation that it do pass and
be printed in the Journal.

SMALL, Chairman.

By Woodul. S. B. No. 578.

A BILL To Be Entitled

An Act to amend Article 591 of
Chapter 2 of Title 8 of the Code
of Criminal Procedure of Texas,
Revision of 1925, as amended by
Chapter 41 of the Acts of the
Regular Session of the 41st Legis-
lature of the State of Texas, and
declaring an emergency.

Be it Enacted by the Legislature of
the State of Texas:

Section One. That article 591 of

Chapter 2 of Title 8 of the Code of
Criminal Procedure of the State of
Texas, Revision of 1925, as amended
my Chapter 41 of the Acts of the
Regular Session of the 41st Legisla-
ture of the State of Texas, be and
is hereby amended so as to hereafter
read as follows:

"Article 591. In all counties hav-
ing a population of at least fifty-
eight thousand, or having therein a
city of twenty thousand or more pop-
ulation, as shown by the preceding
federal census, whenever a special
venire is ordered, the district clerk,
in the presence of and under the
direction of the judge, shall draw
from the wheel containing the names
of the jurors the number of names
required for such special venire, and
prepare a list of such names in the
order in which drawn from the
wheel, and attach said list to the
writ and deliver same to the sheriff.
The cards bearing such names shall
be sealed in an envelope and kept by
said clerk for distribution, as herein
provided. If from the names so
drawn, any of the men are impaneled
on the jury and serve as many as
four days, the cards bearing their
names shall be put by the clerk in
the box provided for that purpose,
and the cards bearing the names of
the men not impaneled shall again
be put by the clerk in the wheel
containing the names of eligible ju-
rors."

Sec. Two. The fact that the pres-
ent statute uses the federal census
of 1920 as a basis for ascertaining
the population of a county or city,
and that the question is raised that
this creates a disignation and not a
classification, and that by using the
preceding federal census as such
basis, it will be construed as pros-
pective, and as constituting a classi-
fication, and that the term "the pre-
ceding federal census" will mean the
United States census of date preced-
ing the action in question and each
subsequent census as it occurs, there-
by taking into consideration the
prospective growth in population of
our counties and cities so that now
or at any time hereafter any county
or city by reason of its growth in
population may come within the
class provided by this amendment, or
if by some unforeseen result should
decrease in population would drop
out of the class; and the fact that
laws are not made for a day, but for

all time, and that inextricable confusion will inevitably result if a flexible classification is not made; and the fact that many cases demanding a special venire are now pending in the courts, and the law should be made certain so that jurors may, be properly drawn to avoid reversals and heavy expense, creates an emergency, and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and said rule is hereby suspended and that this Act take effect and be in force from and after its passage and it is so enacted.

S. J. R. No. 2.

A JOINT RESOLUTION

Proposing an amendment to Article 3, of the Constitution of the State of Texas by adding to Section 48 thereof a provision authorizing the levying of taxes on all motor fuels for state highway purposes, and by adding to Section 49 of said Article 3 a provision enabling the Legislature to provide for the extension of the credit of the State, secured by a tax on motor fuels for the purpose of the construction of a System of State Highways and reimbursing outlays and assuming and/or discharging obligations made by the counties and Defined Road Districts therefor by means of a tax on gasoline and all other motor fuels, and applying one-fourth thereof to the Public Free School Fund, and providing that no lien shall be created against real or personal property for the purpose of paying bonds issued for the purpose of building and constructing Designated State Highways, and the interest on said bonds shall not exceed four and one-half percent. The Legislature shall not be authorized to issue in excess of Two Hundred Twelve Million (\$212,000,000.00) Dollars of bond under this amendment.

Be it resolved by the Legislature of the State of Texas:

Section 1. That Section 48 of Article 3 of the Constitution of the State of Texas be amended so as to hereafter read as follows:

"Section 48. Power to levy taxes. The Legislature shall not have the right to levy taxes or impose burdens upon the people, except to raise rev-

enues sufficient for the economical administration of the Government, in which may be included the following purposes:

The payment of all interest upon the bonded debt of the State;

The erection and repair of Public Buildings;

The benefit of the Sinking Fund, which shall not be more than two per centum of the public debt; and for the present floating debt of the State, including matured bonds for the payment of which the Sinking Fund is inadequate;

The support of public schools, in which shall be included colleges and universities established by the State, and the maintenance and support of the Agricultural and Mechanical College of Texas;

The payment of the cost of assessing and collecting the revenue; and the payment of all officers, agents, and employees of the State Government, and all incidental expenses connected therewith;

The support of the Blind Asylum, the Deaf and Dumb Asylum and the Insane Asylum; the State Cemetery and the public grounds of the State;

The enforcement of the quarantine regulations of the Coast of the State of Texas.

A reasonable tax may be levied on gasoline and other motor fuels and a reasonable motor vehicle license fee assessed for the construction and maintenance of a System of State Highways and reimbursing outlays and assuming and/or discharging obligations made by the counties and Defined Road Districts therefor; provided, however, that no appropriation shall ever be made from the General Revenues and no other tax or any kind or character shall ever be levied for such purposes. Provided, further, that one-fourth of any revenues derived from gasoline tax shall be applied to the Public Free School Fund. And, provided further, that in no event shall the portion of motor license fees now allocated by Law to the various counties of the State be reduced.

Sec. 2. That Section 49 of Article 3 of the Constitution of the State of Texas be amended so as to hereafter read as follows:

"Section 49. When debts may be created. No debt shall be created by or on behalf of the State except to supply casual deficiencies of revenue, repel invasion, suppress insur-

rection, defend the State in War, and pay existing debts. Provided, however, that any indebtedness created to supply casual deficiencies in the revenue shall at no time exceed in the aggregate Two Hundred Thousand (\$200,000.00) Dollars;

Provided, however, that the credit of the State may be extended for the purpose of raising funds for the construction of a System of State Highways and to supplement such funds as may be provided by the Legislature from current sources of revenue derived from special taxes on gasoline and motive power and from license fees ever assessed and collected for highway construction and to reimburse outlays, and assume and/or discharge obligations made by counties and Defined Road Districts of the State therefor; for the purposes hereinbefore named Two Hundred Twelve Million (\$212,000,000.00) Dollars shall be the maximum amount of bonds to be issued under this amendment. Of this Two Hundred Twelve Million (\$212,000,000.00) Dollars only One Hundred Million (\$100,000,000.00) Dollars may be used for the construction of a State Highway System; and the One Hundred Twelve Million (\$112,000,000.00) Dollars or so much thereof as may be required, shall be used for the following named purposes:

(a) For reimbursing counties and Defined Road Districts of the State of Texas for the money expended in discharging obligations, the proceeds of which since July 1, 1917, were expended for the construction of roads, which are parts of the System of State Highways.

(b) For assuming and/or discharging outstanding obligations made by counties and Defined Road Districts of the State, the proceeds of which since July 1, 1917, were expended in the construction of State Highways, which obligations so assumed shall be paid as they mature. And One Hundred Million (\$100,000,000.00) Dollars of such bonds, or as many thereof as may be required to reimburse, assume and/or discharge said obligations shall be set aside as a reserve for said purposes solely and shall be sold as and when needed for the purpose of reimbursing and assuming and/or discharging said obligations, and the proceeds of said bonds shall not be used for any other purpose.

(c) For assuming and/or discharging outstanding Road Bonds less legally maintained Sinking Funds, made by counties and Defined Road Districts of the State, the proceeds of which since the adoption of the Road Bond Act in 1907, page 231, Acts of 1907, and prior to July 1, 1917, were expended for the construction of roads which are parts of the System of State Highways. And the sum of Twelve Million (\$12,000,000.00) Dollars of such bonds or as many thereof as may be required to assume and/or discharge said bonds shall be set aside as a reserve for said purposes solely and shall be sold as and when needed for the purpose of assuming and/or discharging said obligations, and the proceeds of said bonds shall not be used for any other purpose.

For the purpose of assuming and/or discharging outstanding Road Bonds covered by Subsection (c) as above mentioned, all Refunding Bonds shall be assumed and/or discharged on the same basis as if said Refunding Bonds had been issued on the date of the original bonds.

Provided, however, where counties or Defined Road Districts have created obligations, the proceeds of which since July 1, 1917 have been expended on designated State Highways, and a portion of said obligations have been discharged by said counties or said Defined Road Districts, the full amount of principal so expended for the purpose of discharging said obligations by said counties or said Defined Road Districts, shall be refunded to each county or Defined Road District as provided in Section (a) hereof, and such refund shall be applied in payment of any other outstanding obligations of said county or said Defined Road District, the proceeds of which were expended in the construction of county roads; but in the event that said county or said Defined Road District shall have no such other outstanding obligations, then the amount of such refund shall be paid into the General Road and Bridge Fund of said county, and expended according to Law, such refund to be paid in annual installments of one-tenth each year for a period of ten years for the purpose of reducing taxes.

In no event shall the Legislature of Texas authorize the issuance of bonds or creation of any obligations of any

character in excess of the sum of Twenty Million (\$20,000,000.00) Dollars in any one year for the construction of a System of State Highways, this limitation not to apply to the issuance of bonds for reimbursing outlays and assuming and/or discharging obligations made by counties and Defined Road Districts of the State for road purposes. Any evidence of indebtedness of any nature whatsoever issued in excess of the sum of Twenty Million (\$20,000,000.00) Dollars in any one year for construction purposes shall be null and void, and of no force and effect.

Provided, however, no bonds shall be issued, or obligations of any nature whatsoever created unless and except the same shall have been authorized by Act of the Legislature of Texas.

The Legislature is hereby authorized to pass such Legislation as is necessary to put this Amendment in full force and effect.

And, provided, further, that no bonds issued under the provisions of this Amendment shall draw interest in excess of four and one-half per cent per annum, and no such bonds shall be sold for less than par and accrued interest. And no commission or fee of any kind shall be paid, either directly or indirectly, to any person, persons, firm or corporation in connection with the sale of such bonds.

And, provided, said bonds shall never be sold nor disposed of either directly or indirectly for anything other than for cash.

And, provided, further, that the Legislature shall not have the power to pledge the faith and credit of this State in excess of the Two Hundred and Twelve Million (\$212,000,000.00) Dollars, as hereinbefore set out.

And, provided, further, that the Legislature shall apply the revenues, or so much thereof as may be necessary, arising from occupation, sales and/or other taxes levied on the business of selling gasoline or other substances or agencies, or other sources of power used for propelling motor vehicles, or as fuel for such vehicles, and from motor license fees to the payment of the interest, and for the redemption of any bonds issued under the terms hereof; but,

it is expressly stipulated and provided herein and hereby that the indebtedness as evidenced by such bonds shall never become a charge against, or lien upon, and no tax of any kind ever be levied, assessed or collected on any homes, farms, or ranches, or on other property, real or personal, within this State; and provided, further, that no appropriation shall ever be made from the General Revenue, and no other tax of any kind or character, except as herein provided, shall ever be levied to pay interest or principal on any such bonds.

And, provided, further, that one-fourth of the revenues derived from taxation authorized in the foregoing paragraph shall be applied to the Public Free School Fund.

Sec. 3. That the foregoing Constitutional amendment shall be submitted to a vote of the qualified electors of this State at an election to be held on the first Tuesday after the first Monday in November, A. D., 1931, at which all ballots shall have printed thereon the following:

"For the Amendment to Section 48 and 49 of Article 3 of the Constitution of the State of Texas, providing for the construction of a System of State Highways, reimbursing outlays and assuming and/or discharging obligations made by counties and Defined Road Districts of the State therefor, providing for the extension of the credit of the State therefor, and authorizing the levying and collecting of taxes on the sale of gasoline or other substances or agencies, or other sources of power used for propelling, or as fuel for motor vehicles, reserving one-fourth thereof to the Public Free School Fund; and the assessing of a reasonable motor vehicle license fee; expressly providing that the indebtedness so created shall never become a charge against or a lien upon, and no tax shall be levied, assessed or collected, either directly or indirectly, on any homes, farms, ranches, or other real estate, or on any other property of any kind or character, real or personal, within this State, except on gasoline, or other substances or agencies, or other sources of power, used for propelling or as fuel for motor vehicles, and the assessing of a reasonable motor license fee."

"Against the Amendment to Sections 48 and 49 of Article 3 of the

Constitution of the State of Texas, providing for the construction of a System of State Highways; reimbursing outlays and assuming and/or discharging obligations made by counties and Defined Road Districts of the State therefor; providing for the extension of the credit of the State therefor, and authorizing the levying and collecting of taxes on the sale of gasoline or other substances or agencies or other source of power used for propelling, or as fuel for motor vehicles, reserving one-fourth thereof to the Public Free School Fund; and the assessing of a reasonable motor vehicle license fee; expressly providing that the indebtedness so created shall never become a no tax shall be levied, assessed or charge against, or a lien upon, and collected, either directly or indirectly, on any homes, farms, ranches, or other real estate, or on any other property of any kind or character, real or personal, within this State except on gasoline or other substances or agencies, or other sources of power, used for propelling or as fuel for motor vehicles, and the assessing of a reasonable motor license fee."

Sec. 4. The Governor of this State is hereby directed to issue the necessary proclamation, ordering an election to determine whether or not the proposed Constitutional amendments, set forth herein shall be adopted and to have the same published, as required by the Constitution and Laws of this State. And the sum of Five Thousand \$5,000.00) Dollars or so much thereof as may be necessary, is hereby appropriated from any funds in the State Treasury, not otherwise appropriated to defray the expense of printing said proclamation and holding said election.

FIFTY-THIRD DAY.

Senate Chamber,
Austin, Texas,
April 3, 1931.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Poage.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Stevenson.
Hornsby.	Thomason.
Loy.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Absent—Excused.

Pollard.

Prayer by the Chaplain of the House, Rev. Holt.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix).

Committee Reports.

(See Appendix).

Message From The House.

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives,
Austin, Texas, April 3 1931.
Hon. Edgar E. Witt President of the Senate.

Sir:: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 335 A bill to be entitled "An Act to amend Chapter 314, General Laws of the State of Texas, Forty-first Legislature, Regular Session, as amended at the Second Called Session thereof, so as to further regulate motor carriers transporting property over the public highways, etc., and declaring an emergency."

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

House Bill No. 981.

The Chair laid before the Senate by unanimous consent the following bill: